

USA
v
Darius

United State District court for The Eastern District
of North Carolina, Western Division 5:14-cv-240-
BPI-1 Motion for the withdrawal of counsel
Sean P. Vitano, Incorporated At Law, in the

APR 04 2016

Huge tracts of case law are also implicated, particularly those analyzing the historic tension between the constitutional rights of parents, and the interests of the state as *parens patriae*, in protecting children. See, e.g., *Pierce v. Society of Sisters*, 268 U.S. 510, 69 L. Ed. 1070, 45 S. Ct. 571 (1925) (parent has a fundamental constitutional right to direct the upbringing and education of his or her child); *Meyer v. Nebraska*, 262 U.S. 390, 67 L. Ed. 1042, 43 S. Ct. 625 (1923) (same); *In re Phillip B.*, 92 Cal. App. 3d 796, 156 Cal. Rptr. 48 (1979) (recognizing that parental autonomy is a fundamental constitutional right); see also, e.g., *Tenenbaum v. Williams*, 193 F.3d 581 (2d Cir.1999), *cert. denied*, 529 U.S. 1098 (2000) (mere possibility of danger is not enough for the due process clause not to be offended when a child is taken into custody by a responsible state official without court authorization or parental consent); *In re Lonell J.*, 242 A.D.2d 58, 673 N.Y.S.2d 116 (1998) (holding that definition of neglect under the New York Family Court Act was sufficiently broad to encompass exposure to domestic violence and finding custodial mother who was passive recipient of battering neglectful in part for having "engaged in domestic violence").

The history of the problem is extremely complex. Cf., e.g., Nina Bernstein, *The Lost Children of Wilder* (2001) (chronicling the twenty-year struggle to resolve the *Wilder* case, a federal suit brought on behalf of a class of children who suffered racial and religious discrimination under the New York City foster care system); Stephen O'Connor, *Orphan Trains: The Story of Charles Loring Brace and the Children He Saved and Failed* 37 (2001) ("Domestic violence and substance abuse were problems at least as serious during the nineteenth century as they are now."); "Failure to Protect" Working Group, *Charging Battered Mothers with Failure to Protect: Still Blaming the Victim*, 27 Fordham Urb. L.J. 849, 871 (2000) ("[Domestic violence] advocates now find themselves assisting battered mothers who are losing their children to foster care and who are being charged with abuse or neglect for failing to protect their children from witnessing domestic violence. . . [they] are punished and children are traumatized by the separation while the perpetrator of the violence generally experiences few consequences."); Nina Bernstein, *Swelling Shelters: New Number Generating Debate About Efforts to House Homeless*, N.Y. Times, Aug. 2, 2001, at B3; Nina Bernstein *Rise of Shelters by Families Sets Record in City*, N.Y. Times, Aug. 1, 2001, at 1 ("The number of homeless families lodging nightly in New York City's shelter system has risen higher than ever and the trend is accelerating"); Daniel Wise, *Judges' Associations May Join Suit Over Review of 18-B Fees*, N.Y. Times, July 24, 2001, at 1 (three Family Court judges announced in court rulings that because the low rates of \$ 25-\$ 40 per hour for 18-B lawyers had created a critical shortage of attorneys in their courtroom, they would in the future pay the lawyers \$ 75 an hour).

That, Pursuant to 18 USC 3006A, Substitution
of Counsel, is Warranted, That, Current
Counsel, is Incompetent, Can not Defend,
The Defendant, as a matter of LAW, Set
Forth Above, Grounds of Defense,
Attack of Credibility, of Secrecious, Corrupt
Indulging Discrimination, of M.A.S, M.W.S
S.B. Criminal Violation 18 USC 241, 242,
245, 249, Conspiracy of Robin Strickland

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Wendy Kuryan, Margereth Esch, Monic Bolsman
Patrice Braum, NANCEY Bershan, Lisa Scher
Jan Masny, Beyond Competency of Sean P. Vitano